
BZA-1882
ELIZABETH NICHOLS
Special Exception

STAFF REPORT
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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who owns the property along with her husband, is requesting a special exception to permit an agricultural rental hall in the A zone. Proposed operating hours are Sunday-Thursday 8 a.m. until 11 p.m. and Friday and Saturday from 8 a.m. until midnight. The property is located on South River Road, about ½ mile west of its intersection with CR 350 W in Wabash 27 (NW) 23-5.

AREA ZONING PATTERNS:

The site is zoned A, Agricultural as is all surrounding property. Flood Plain associated with the Wabash River exists a short distance across the road to the south, Flood Plain zoning associated with Jordan Creek is a short distance to the north where it winds back and forth along Division Road. R1 zoning is in place farther to the northwest and in an area to the northeast; Industrial zoning (I3) exists a quarter mile to the east.

These 7.86 acres are part of a larger tract which in 1994 had an appeal of the decision of the Administrative Officer (BZA-1230, Ronald Evans). The appeal, which stated the nonconforming extraction of minerals from the “Scipio Pit” had been abandoned and could not start again, was approved by the ABZA. Part of the area used for mining, dormant for almost 20 years, is located in the northwest corner of the land in this special exception request.

There hasn’t been much BZA activity in this area in the last 20 years. Other than one setback variance heard in Riverview Subdivision farther to the west in 1995 (BZA-1266), the cases heard in this area are older, the majority were special exceptions and variances regarding mineral extraction and most were denied by the Board.

AREA LAND USE PATTERNS:

The site in question has a solid row of trees along the frontage that slightly wraps around the perimeter of the property. The back portion of the acreage is also heavily wooded; the rest of the land is farm field.

The closest house to the proposed rental hall building is approximately 350’ to the west and surrounded by woods. There are several large-lot single-family dwellings on Division Road to the north and northwest; a subdivision of single-family homes exists a quarter mile farther to the west (Riverview Subdivision). A couple of houses line South River Road in the vicinity of this request. The closest house with no barrier of trees between it and the proposed hall is located adjacent to the southeast. That house is

approximately 560' away from the building site as the crow flies.

Fort Ouiatenon, which hosts the annual Feast of the Hunter's Moon, is located about three quarters of a mile to the east. Other property in the area is either large lot residential, wooded, or farmed.

TRAFFIC AND TRANSPORTATION:

South River Road is classified as a rural secondary arterial by the adopted *County Thoroughfare Plan*. A driveway is proposed at the center of the frontage leading to a parking area about 400' inside the tract; a permit from the Tippecanoe County Highway Department will be required for the driveway. Based on a first glance of the site plan, the highway department believes the sight distance "adequate in this location, although some brush clearing would need to be done." Also the "commercial drive size and geometrics would need to be adequate to serve the site and hard-surfaced within the right-of-way."

The UZO requires this use to have "1 parking space per 4 patrons to the maximum capacity of the facility inclusive of both indoor, if any, and outdoor capability." The UZO further states, specifically regarding petitioner's use that, "additionally, for...public events...grass or gravel overflow parking areas are required and shall be of sufficient size to accommodate all vehicles. Vehicles parked along public roads shall be evidence of non-compliance with this requirement."

The submitted site plan shows a total of 120 parking spaces; in the Agricultural zone, parking spaces do not have to be paved. According to the petition, this would allow gatherings of up to 400 people with 20 spaces reserved for caterers, photographers, and others working the event. The grassy area on either side of the proposed drive would serve as overflow parking to keep cars from being parked along South River Road.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Sewer and water are not available to this property; therefore it will be served by a private septic system and well. The County Health Department currently does not have any soil work for this site; additionally, the proposed use would require approval from the state.

STAFF COMMENTS:

This special exception is the first to be filed for an agricultural rental hall. The amendment that added this use to the permitted use table as well as parking standards for the use to the parking section of the ordinance, was passed by the County Commissioners in May of this year. Because the proposed use would be located within the A zone, the ordinance places a limit on food service. There cannot be a restaurant or catering business on site as part of petitioner's rental hall, nor can there be a bar or drinking establishment. All food must be brought on site by licensed caterers.

According to the petition, there will be lights at each entrance to the building, "low intensity, downward facing" lights on the south corners of the parking lot and "a final low intensity, downward facing light at the entrance of the property" to light the driveway.

Noise would be from “live music or DJs for indoor receptions.” The petition also states that, “Outdoor ceremonies will be restricted to lower decibel music.” Staff was concerned about the possibility of live music at outside receptions and its impact on neighboring residences and contacted petitioner about these concerns. In an email response, petitioner stated that, “We are not hosting receptions outdoors. Our contract will limit high decibel music to inside the building which will be fully insulated.” To ensure the quiet of the neighborhood, especially if the business is sold in the future, staff is recommending a commitment that states, “There shall be no amplified music at any ceremonies or receptions held outdoors.”

A maximum of 400 people would be permitted to attend receptions on site based on the proposed number of parking spaces and the building’s maximum occupancy. However, that maximum number would not be present at all times during the hours of operation. Smaller meetings or gatherings would be likely during the work week, with bigger events happening on Saturdays. Traffic during the week would be minimal. The hours of operation are from 8:00 am to 11:00 pm Sunday through Thursday, while Friday and Saturday hours would extend an additional hour to midnight.

Outside ceremonies are proposed, and staff was originally concerned that the site plan did not designate their location. In response to this concern, petitioner stated that, “I plan to create a park-like setting on the whole property, so I was hoping to allow brides a choice of where to locate an outdoor ceremony.” Amending the site plan with a note indicating possible locations for outside ceremonies would address this concern. The amended site plan will need to be submitted prior to the ABZA meeting.

At its meeting on June 5, 2013 the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize the special exception for an agricultural rental hall in the Agricultural zoning district.

And it is staff’s opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met. Parking standards for this use can be met. Standard setbacks, lot coverage, and greenspace on this 7.86 acre tract can all easily be met.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. This request would not harm the public health, safety, or inhibit the general welfare of the community.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: The maximum of 120 cars onsite would likely only occur on the weekends; traffic during the week would be minimal;

- b. Placement of outdoor lighting: Lights located at the building entrances, two at each end of the parking lot, and one at the driveway entrance is sensible. The freestanding lighting proposed would be “low intensity, downward facing” which should not cause problems for neighboring residences.
- c. Noise production: Noise would come from either live music or DJs hired for receptions in the building. Petitioner stated that, “Our contract will limit high decibel music to inside the building which will be fully insulated.” A recorded commitment will prevent any amplification of music outdoors.
- d. Hours of operation: The hours proposed are typical for this type of business use.

STAFF RECOMMENDATION:

Approval with the following commitment:

“There shall be no amplified music at any ceremonies or receptions held outdoors.”

Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.